

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ELON MUSK,

Defendant.

Case No. 23-mc-80253-LB

DISCOVERY ORDER

Re: ECF No. 1

The SEC has applied for an order compelling compliance with its administrative subpoena. (Appl. – ECF No. 1.) The court’s inquiry is narrow: the issues are (1) whether Congress has granted the authority to investigate, (2) whether the procedural requirements have been followed, and (3) whether the evidence is relevant and material to the investigation. *SEC v. Obioha*, No. 12-cv-80109-WHA, 2012 WL 4889286, at *1 (N.D. Cal. Oct. 12, 2012) (quoting *EEOC v. Fed. Exp. Corp.*, 558 F.3d 842, 848 (9th Cir. 2009)).

In the *Obioha* case, the SEC filed proof of service on the docket. The court did not see service filed here and assumes that the SEC will file proof of service to flush out any objections. Ordinarily objections are due two weeks after service. The court then can issue a formal order.

IT IS SO ORDERED.

Dated: October 7, 2023



LAUREL BEELER
United States Magistrate Judge